IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.5854 of 2005

Between:

Arun Plywoods private Limited rep by Managing Director, S.Gowtham.

..... PETITIONER

AND

1 The General Manger, District Industries Centre, Visakhapatnam.
2 Commissioner of Industries, Government of Andhra Pradesh Hyderabad.
3 Government of Andhra Pradesh, rep by Secretary, Industries and commerce Department, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may pleased to issue any Writ, order or direction particularly one in the nature of Mandamus declaring the in action on the part of the respondents in extending incentive under G.O.Ms. No. 108 dated 20-05-1996 as extended in G.O.Ms. No. 9 dated 05-01-2000 and consequential directions in pursuance of the certificate No. 10/1/2000/2026 dated
19-1-2001, consequent upon state Government clarification vide Memo No. 22120/IP/(A.2)/2001/7 dated 28-05-2003, as illegal, arbitrary, and consequently direct the respondent herein to extend all the incentives under Target-2000 Scheme" by issuing necessary certificates/directions/ clarifications by the respondents.

Counsel for the Petitioner:DR.P.B.VIJAY KUMAR

Counsel for the Respondent Nos.1 to 3: GP FOR INDUSTRIES & COMMERCE

The Court at the stage of admission made the following :

ORDER:

The petitioner states it was established having been impressed by the incentives being extended by the Government of Andhra Pradesh in G.O.Ms.No.108 Industries and Commerce (IP) Department, dated 20.05.1996. It is also stated that the petitioner-Unit was issued a certificate of eligibility for the incentives under the scheme “Target-2000” on 19.01.2001 by the second respondent-Commissioner of Industries, Hyderabad. It is also stated that the petitioner is eligible for the incentives under G.O.Ms.No.108 dated 20.05.1996 which were released and extended under G.O.Ms.No.9 dated 05.01.2002 and accordingly the petitioner made representations on 03.08.2004, 13.02.2005 and 02.03.2005 requesting the third respondent-General Manager, District Industries Centre, Viisakhapatnam to issue final eligibility certificate in order to have the benefit of sales tax exemption and other incentives as provided by the State Government. However, the said representations have not been considered so far. Hence this writ petition contending that the inaction on the part of the respondents is arbitrary and illegal.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Industries appearing for the respondents and having regard to the facts and circumstances of the case, without expressing any opinion on merits, the writ petition is disposed of with a direction to respondents 1 and 2 to consider the representations of the petitioner dated 03.08.2004, 13.02.2005 and 02.03.2005 and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of this order. No costs.

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24.03.2005

Note : Furnish C.C by Monday.

(B/O)

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To

1 The General Manger, District Industries Centre,
Visakhapatnam.
2 The Commissioner of Industries, Government of
Andhra Pradesh Hyderabad.
3 The Secretary, Industries and Commerce Department,
Government of Andhra Pradesh,
Hyderabad.

4 Two C.Cs to the G.P. for Industries and Commerce, High
Court Buildings, Hyderabad (OUT).

5 2 CD copies.